

October 13, 2003

TRACY R SHAWA
4011 CRANBERRY RD
LONG BEACH WA 98631

Subject: Complaint Filed By Tracy R. Shawa, Bruce Walker, Virginia Leach, Pat Gardner and David Burke Against Pat Hamilton, PDC Case No. 04-271

Dear Ms. Shawa, Mr. Walker, Ms. Leach, Ms. Gardner and Mr. Burke:

The Public Disclosure Commission staff has completed its investigation of your complaint received September 29, 2003 alleging that Pat Hamilton, a candidate for State Senate for the 19th Legislative District, sponsored political advertising falsely implying that she had your support or endorsement when no such support or endorsement had been obtained.

The PDC staff reviewed your allegations in light of the following statute:

RCW 42.17.530 prohibits a person from sponsoring with actual malice political advertising that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement. "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity. Any violation must be proven by clear and convincing evidence.

We found that:

- Pat Hamilton is a candidate for State Senate for the 19th Legislative District in the 2003 general election.
- Pat Hamilton produced and used a campaign brochure that included a photograph of an official function at which Pacific County public officials are being sworn in to office in a public ceremony. The picture was also used on Ms. Hamilton's web site.
- Ms. Hamilton was the only person identified in the caption of the brochure. None of the other officials were identified any place in the brochure or on the web site.

We found that when Pat Hamilton used the group photograph of herself being sworn into office with other public officials, she did not identify the others, nor did she state or imply any support or endorsement from them. The use of a photograph of public officials participating in an official, public function where no names are mentioned does not imply support or endorsement of Ms. Hamilton.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Pat Hamilton.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll-free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

c: Pat Hamilton

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